

REMARKS

This is in response to the Final Office Action dated July 23, 2007. Claims 1 and 3-14 are pending in this application and have been rejected. Reconsideration and withdrawal of the rejections are respectfully requested in light of the following remarks.

Claims 1 and 3-5, 9 and 10 have been rejected under 35 U.S.C. 102(e) as being anticipated by Chen (U.S. Patent No. 7,104,970). The Examiner takes the position that Chen teaches a barrel (10) with a tip (12), plunger (50) with a stopper (70) and a proximally facing annular boss (22). Chen discloses that element 22 is a piercing element. As shown in Fig. 6 of Chen, the plunger 50 is displaced until the piercing element 22 sticks through the piston 70. (*See* Col. 2, ln. 66-Col. 3, ln. 2). A hole 76 is thus formed in the piston “which prevents re-use of the barrel because it is broken and will leak.” (Col. 3, lns.5-6). Thus the piercing element 22 creates a hole in the stopper, which causes leaking, rather than sealing the passageway. Moreover, the piercing element 22 of Chen does not completely surround the passageway of the barrel. Chen discloses that “the barrel 10 and extension 12 includes *at least one* piercing element projecting inside the barrel 10.” (Col. 2 lns. 14-16). There is no teaching in Chen that the piercing element completely surround the passageway.

On the other hand, the present invention, as taught in independent claim 1 includes a proximally facing annular boss projecting from the distal wall of the syringe barrel surrounding the passageway. The boss contacts the stopper and seals the passageway in order to help control the stopper deflection when fluid has been delivered from the barrel chamber. Chen does not disclose a proximally facing annular boss which surrounds the passageway, nor does Chen disclose a boss which contacts the stopper and seals the passageway. Rather, the piercing element of Chen pierces the stopper to prevent reuse of the syringe by creating a hole, which causes leakage. Applicants respectfully submit that this is not what the present invention claims and, in fact, Chen teaches away from the present invention. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. §2129 (quoting *Verdegall Bros. v. Union Oil CO. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053( Fed. Cir. 1987). Since Chen fails to disclose each of the elements of independent claim 1, it is respectfully submitted that the 35 U.S.C. §102(e) rejection should be withdrawn with respect to this claims. Moreover, claims 3-5, 9 and 10 all depend, either directly or indirectly from independent claim 1, which is believed to

be allowable for at least the reasons set forth above. As such, it is respectfully submitted that the 35 U.S.C. §102(e) rejection should be withdrawn with respect to these claims as well.

Claims 6-8 and 11-14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Ward (US 2004/0127859). Claims 6-8 depend from claim 1 and therefore, these claims are believed to be allowable for at least the reasons set forth above with respect to claim 1. In addition, independent claims 11, 13, and 14 all include the limitation of a proximally facing annular boss which surrounds the passageway and contacts the stopper and seals the passageway. As discussed above, Chen simply fails to disclose this element. Thus, it is respectfully submitted that claims 11-14 are allowable for at least these reasons and the 35 U.S.C. 103(a) rejection should be withdrawn with respect to these claims.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (201) 847-6797 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 02-1666 therefor.

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Respectfully submitted,

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